

DOCKET NO.: UNGR-1629

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Evan C. Unger

Confirmation No.: 7636

Application No.: 10/046,801

Group Art Unit: 1616

Filing Date: January 15, 2002

Examiner: Michael G. Hartley

For: CHARGED LIPIDS AND USES FOR THE SAME

EXPRESS MAIL LABEL NO: EL970384749US

DATE OF DEPOSIT: January 9, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**COMMUNICATION REGARDING  
INFORMATION DISCLOSURE STATEMENT**

☐ In the Office Action dated, the Examiner indicated that references were not considered because prior art was cited incorrectly and the Examiner did not initial all the prior art. Enclosed are copies of references that were listed on the PTO Form 1449 originally filed, a copy of which is attached to this Communication. A copy of the date-stamped postcard dated is also attached. Accordingly, Applicants believe no fee is due for providing copies of these references.

☒ Initialed copies of the 1449 sent with the Information Disclosure Statement dated April 17, 2002, were attached to the Official Action dated October 2, 2003. However, Applicants note that the Examiner did not initial and/or sign Pages 12 (ED and EE), 18 (GT), 30 (MH) and 41 (SF) of the PTO-1449. Enclosed are the following references:

ED - Not considered because of missing date. Date of publication is September 1990.

EE - Not considered because of missing date. Date of publication is September 1990.

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**GT** – Examiner did not initial.

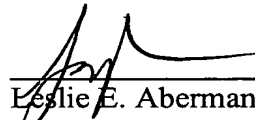
**MH** – Examiner did not initial.

**SF** – Examiner did not initial.

As this appears to be an administrative oversight, it is respectfully requested that the Examiner initial and date these pages of the 1449 confirming that the references citing thereon have been considered. A clean copy of the PTO-1449 is enclosed for the Examiner's convenience.

The Commissioner is authorized to charge payment of any fees associated with this communication and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050.

Date: January 9, 2004

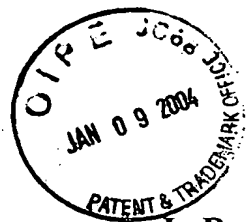
  
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Leslie E. Aberman  
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Dear Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:
- ☐ Certification in Accordance with § 1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.
- ☒ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
- ☐ Certification in Accordance with § 1.97(e) is attached;
- or
- ☒ The fee of \$180.00 as set forth in § 1.17(p) is attached.
- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- ☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

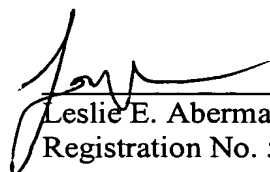
## EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. \_\_\_\_\_, filed \_\_\_\_\_.

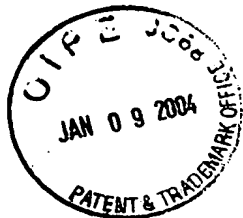
Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☒ There are no listed references which are not in the English language.

Date: January 9, 2004

  
\_\_\_\_\_  
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<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. UNGR-1629	Application No. 10/046,801
	Applicant Evan C. Unger	
	Filing Date January 15, 2002	Group 1616
	Confirmation No. 7636	

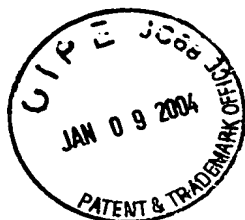
**U. S. PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Name	Class	Subclass

**FOREIGN PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	482	WO 96/26179	08/26/96	PCT		
	483	WO 96/39197	12/12/96	PCT		
	484	WO 98/42384	10/01/98	PCT		
	485	WO 99/33940	07/08/99	PCT		
	486	WO 99/52505	10/21/99	PCT		

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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Sheet 1 of 2

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	Applicant Evan C. Unger	
	Filing Date January 15, 2002	Group 1616
	Confirmation No. 7636	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>		
	481	Lee, R.J., et al., "Folate-targeted, anionic liposome-entrapped polylysine-condensed DNA for tumor cell-specific gene transfer," <i>J. Biol. Chem.</i> , April 5, 1996, 271(14), 8481-8487
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>